

**MINUTES OF THE MEETING OF THE CITY COUNCIL**

Wichita, Kansas, November 22, 2005  
Tuesday, 9:35 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Fearey, Gray, Martz, Schlapp, Skelton; present. Council Member Brewer absent with prior notice.

George Kolb, City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

The Minutes of the November 15, 2005 meeting were approved 6 to 0, (Brewer absent).

**CONSENT AGENDA**

Motion--carried

Mayans moved to approve Consent Agenda Items 1 through 10f as presented. Motion carried 6 to 0, (Brewer absent).

**BOARD OF BIDS****REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED NOVEMBER 21, 2005.**

Bids were opened November 18, 2005, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

2005 Contract Maintenance Preparatory Curb & Gutter Repairs - east of 119th Street West, south of 53rd Street North. (472-84167/132718/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,III,IV,V,VI)

Barkley Construction - \$350,000.00 (Engineer's Estimate)

North Rock Road Water Line to serve Northeast Storage Tank - Rock Road and 53rd Street North. (448-89720/635644/762700) Traffic to be maintained during construction using flagpersons and barricades. (District II)

Dondlinger & Sons - \$288,840.00

Water Distribution System to serve Rivendale Addition - north of 55th Street South, west of Hydraulic. (448-89888/735283/470954) Does not affect existing traffic. (District III)

WBW Contractors - \$49,534.00

Water Distribution System to serve Fawn Grove Addition - north of Harry, west of Greenwich. (448-90115/735281/470952) Does not affect existing traffic. (District II)

WBW Contractors - \$34,688.00

Lateral 383 Four Mile Creek Sewer to serve Fawn Grove Addition - north of Harry, west of Greenwich. (468-84082/744151/480839) Does not affect existing traffic. (District II)

McCullough Excavation - \$64,700.00

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Lateral 378 Four Mile Creek Sewer to serve Krug North 2nd Addition - north of 21st Street North, west of 143rd Street East. (468-84054/744152/480840) Does not affect existing traffic. (District II)

Nowark Construction - \$88,546.00

Storm Water Drain #268 to serve Rivendale Addition - north of 55th Street South, west of Hydraulic. (468-84015/751409/485300) Does not affect existing traffic. (District III)

WB Carter Construction - \$135,466.00

Mona Circle from Pattie west to and including the cul-de-sac; Pattie Court from Pattie west to and including the cul-de-sac; Victoria Court from Victoria east to and including the cul-de-sac to serve Lots 20 through 25, Block C; Mona from the north line of Mona Circle, east to the west line of Lot 18, Block A; Pattie from the south line of Lot 26, Block B, north to the north line of Mona Circle; Victoria from the south line of Lot 10, Block E, south to Lot 6, Block E; Sidewalk along one side of Mona, Pattie, and Victoria to serve Rivendale Addition - north of 55th Street South, west of Hydraulic. (472-83867/765968/490083) Does not affect existing traffic. (District III)

Cornejo & Sons Construction - \$218,186.80

Lateral 377 Four Mile Creek Sewer to serve Home Bank & Trust Addition - north of 13th, west of Greenwich. (468-84050/744153/480841) Traffic to be maintained during construction using flagpersons and barricades. (District II)

WB Carter Construction - \$24,046.00

Lateral 46 Cowskin Interceptor Sewer to serve Southern Ridge 3rd Addition - south of Pawnee, west of Maize Road. (468-83966/744142/480830) Traffic to be maintained during construction using flagpersons and barricades. (District IV)

Duling Construction - \$55,636.00

Water Distribution System, Phase 4 to serve Southern Ridge 3rd Addition - south of Pawnee, west of Maize Road. (448-90055/735280/470951) Traffic to be maintained during construction using flagpersons and barricades. (District IV)

Duling Construction - \$25,416.00

2005 Contract Maintenance Area Concrete Repairs, Phase 3 - north of 33rd Street South, west of Rock. (472-84327/132718/620398/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,IV)

McFadden Construction - \$157,800.00 (Engineer's Estimate)

Motion--

Mayans moved that the contracts be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 6 to 0, (Brewer absent).

--carried

WATER & SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION: Southeast Booster Pump Station.

Utility Contractors Inc. - \$2,687,000.00 (Group 1, Total Net Bid)

FIRE DEPARTMENT/SAFETY DIVISION: Paratech Rescue Equipment.

General Services Administration\* - \$62,149.12 (General Services Administration Activity Address Code)

\*Purchases Utilizing government Entities Contracts Cooperative Contracts and Agreements Ordinance No. 38-122 Section 2.64.020 (j)

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PUBLIC WORKS DEPARTMENT/MAINTENANCE DIVISION: GBA Work Master, Signal Master Annual Support and Maintenance.

GBA Master Series Inc.\* - \$51,840.00 (Total Lump Sum)

\*Purchases Utilizing Sole Source of Supply Ordinance No. 35-856  
Section 2 (b)

WATER & SEWER/SEWAGE TREATMENT DIVISION: Electronic Ballast and Wiper Seal.

Ray Lindsey Company \* - \$28,380.00 (Total Lump Sum)

\*Purchases Utilizing Sole Source of Supply Ordinance No. 35-856  
Section 2 (b)

Motion--  
--carried

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 6 to 0, (Brewer absent).

## CMBS

### APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2005</u>	<u>(Consumption off Premises)</u>
Eugene J. Pelzq	Siesta Steak & Lounge*	15130 West HWY 54
<u>Renewal</u>	<u>2005</u>	<u>(Consumption off Premises)</u>
Siddie Mirza	Rani SM Inc., dba Valero	731 North Ridge Road
James Steindler	Gotta Stop	5600 MacArthur Road
<u>New Operator</u>	<u>2005</u>	<u>(Consumption on Premises)</u>
John Darryl Fitzgerald	HAC Inc., dba Homeland	3020 East Douglas
John Darryl Fitzgerald	HAC Inc., dba Homeland	1617 South Georgetown
John Darryl Fitzgerald	HAC Inc., dba Homeland	1910 West 21st Street North
John Darryl Fitzgerald	HAC Inc., dba Homeland	3137 South Seneca
John Darryl Fitzgerald	HAC Inc., dba Homeland	640 North West Street

\*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion--  
--carried

Mayans moved that the licenses be approved subject to Staff review and approval. Motion carried 6 to 0, (Brewer absent).

## PRELIM. ESTS.

### PRELIMINARY ESTIMATES:

- Cost of Lateral 148, Main 4, Sanitary Sewer No. 23 to serve Walnut Grove Addition – east of Jeanette, north of 33rd Street North. (468-84008/744116/480-804) (District VI) Total estimated cost - \$6,220
- Cost of construction of Lateral 1, Main 10, Northwest Interceptor Sewer to serve Northwest YMCA Addition – north of 21st Street North, west of 135th Street West. (468-83957/744111/480-799) (District V) Total estimated cost - \$168,600
- Cost of Victoria from Marie, north to 44th Street South; Marie from the east line of Lot 3, Block B, east to Greenwood; 44th Street South from the west line of Lot 1, Block D, east to Hydraulic; Greenwood from 45th Street South, north to 44th Street South to serve Hidden Glen Addition (north of 47th Street South, west of Hydraulic). (District III) (472-83625/765883/490-994) – Total Estimated Cost \$241,680

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- d) Cost of Hawthorne Street from the south line of Lot 13, Block A, north to and including the Hawthorne Court and continuing south to the north line of Siefkes to serve Shoal Creek 3rd Addition (south of Central, west of 143rd Street East). (District II) (472-84085/765930/490-043) – Total Estimated Cost \$87,200
- e) Cost of Storm Water Drain No. 248 to serve The Fairmont 3rd Addition - (north of 21st Street North, west of 127th Street East. (District II) (468-83936/751388/485-279) – Total Estimated Cost \$224,000

Motion--carried

Mayans moved that the Preliminary Estimates be received and filed. Motion carried 6 to 0, (Brewer absent).

## PETITIONS

### PETITIONS FOR PUBLIC IMPROVEMENTS:

#### N. OF PAWNEE

#### CONSTRUCT A SANITARY SEWER TO SERVE AN UNPLATTED TRACT LOCATED NORTH OF PAWNEE, WEST OF MAIZE. (DISTRICT V)

Agenda Report No. 05-1066

The Petition has been signed by one owner representing 100% of the improvement district.

The project will provide sanitary sewer service for an existing home that is currently served by a private septic tank system.

The Petition totals \$12,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--  
--carried

Mayans moved that the Petition be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 6 to 0, (Brewer absent).

#### RESOLUTION NO. 05-612

Resolution of findings of advisability and Resolution authorizing construction of Lateral 22, Main 13, Southwest Interceptor Sewer (north of Pawnee, west of Maize) 468-84110, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Martz, Schlapp, Skelton, Mayans, (Brewer absent).

#### W. OF HYDRAULIC

#### CONSTRUCT A SANITARY SEWER TO SERVE AN UNPLATTED TRACT LOCATED WEST OF HYDRAULIC, SOUTH OF 31ST STREET SOUTH. (DISTRICT III)

Agenda Report No. 05-1067

The Petition has been signed by one owner representing 100% of the improvement district.

The project will provide sanitary sewer service for a church building.

The Petition totals \$35,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--  
--carried

Mayans moved that the Petition be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 6 to 0, (Brewer absent).

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## RESOLUTION NO. 05-613

Resolution of findings of advisability and Resolution authorizing construction of Lateral 11, Submain 1, Sanitary Sewer No. 22 (west of Hydraulic, south of 31<sup>st</sup> Street South) 468-84122, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Martz, Schlapp, Skelton, Mayans, (Brewer absent).

### S. 43<sup>RD</sup> STREET

#### **CONSTRUCT A SANITARY SEWER TO SERVE AN UNPLATTED TRACT LOCATED WEST OF HYDRAULIC, SOUTH OF 43RD STREET SOUTH. (DISTRICT III)**

Agenda Report No. 05-1068

The Petition has been signed by one owner representing 100% of the improvement district.

The project will provide sanitary sewer service for an existing home that is currently served by a private septic tank system.

The Petition totals \$15,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--  
--carried

Mayans moved that the Petition be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 6 to 0, (Brewer absent).

## RESOLUTION NO. 05-614

Resolution of findings of advisability and Resolution authorizing construction of Lateral 98, Main 1, Southwest Interceptor Sewer (west of Hydraulic, south of 43<sup>rd</sup> Street South) 468-84111, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Martz, Schlapp, Skelton, Mayans, (Brewer absent).

### STREET CLOSURES

#### **CONSIDERATION OF STREET CLOSURES/USES.**

There were no street closures to consider.

#### **AGREEMENTS/CONTRACTS:**

### CUSTODIAL

#### **CUSTODIAL CLEANING CONTRACT.**

Agenda Report No. 05-1069

Since 1994, the City of Wichita has maintained contracts for custodial services with private vendors due to difficulty in attracting and keeping City employees as custodians. Facilities served by these contracted services include the State Office Building, Main Library, Park buildings, Career Development Offices, Old Town Parking Garage and the Health Department Clinic/Offices. As the current contract is about to expire, a Request for Proposals (FP500035) was published earlier this year inviting interested vendors to submit price quotations for performing these services in order to continue this service.

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Formal proposals were submitted by twelve (12) vendors on six (6) different Contract options to cover both the existing and added facilities. These options were reviewed by the Staff Screening & Selection Committee and the committee recommended entering into a contract with Wilson Building Maintenance Inc, a Woman-Owned Business Enterprise, for a total annual cost of \$478,339.92 renewable in yearly increments at this quoted total price for a total of three (3) years. After completing the first year of contractual services, Wilson may request an increase in the total annual cost of the contract, based on the previous year's posted increase in the Consumer Price Index (CPI). Requests for future CPI increases will have to be approved by the City Council.

The funding for the custodial contract is available in the Building Services Budget and is sufficient to maintain the required levels of services.

The contract has been approved as to form by the Law Department.

Motion--  
--carried

Mayans moved that the custodial contract be approved and the necessary signatures authorized.  
Motion carried 6 to 0, (Brewer absent).

## **PAWNEE/PALISADE PAWNEE, PALISADE TO BROADWAY – SUPPLEMENTAL. (DISTRICT III)**

Agenda Report No. 05-1070

The 2004 Capital Improvement Program includes funding for improving Pawnee from Palisade to Broadway. The Staff Screening & Selection Committee selected Young & Associates, P.A. for the design on April 1 & 2, 2004. On May 4, 2004, the City entered into an Agreement with Young & Associates, P.A. for designing the improvements for a fee of \$40,300.

During the design development phase of the project, Young & Associates were asked to make several design changes and plan modifications that were not anticipated in the original scope of services. The west limits of this project were extended to tie into future improvements. The revised design necessitated easement acquisition from the Park Department to avoid property acquisition from residential homes on the north side of Pawnee. The proposed Supplemental Agreement provides for the additional design services.

Payment to Young will be on a lump sum basis of \$20,630, and will be paid by General Obligation Bonds.

The Supplemental Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized.  
Motion carried 6 to 0, (Brewer absent).

## **INTERVENTION CONTRACT FOR WICHITA INTERVENTION PROGRAM FACILITY.**

Agenda Report No. 05-1071

Kansas Law requires defendants convicted of a first Driving Under the Influence (DUI) offense to be incarcerated for forty-eight hours and attend alcohol intervention/education classes. In 1984, Municipal Court established the Wichita Intervention Program (WIP), which combined both aspects in a setting outside of jail. Participants stay in the designated facility from Friday evening until Sunday evening. A trained facilitator conducts alcohol education classes and security guards provide 24 hours supervision. The City has contracted with local hotels to provide lodging, classroom space, and meals for program participants.

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A Request for Proposal (RFP) was developed seeking facilities that could provide lodging for two nights (Friday and Saturday) for up to forty participants; breakfast, lunch, and dinner on Saturday and breakfast and lunch on Sunday; and space to accommodate up to forty participants for lectures and other intervention presentations. The RFP was sent to 29 hotels and motels in the Wichita area, published in The Wichita Eagle and posted on E-Procurement. Three facilities responded. A selection committee reviewed and evaluated the proposals and Bledsoe Management, Inc. d/b/a/ Best Western Airport Red Coach Inn, 6815 West Kellogg, was selected. The hotel offered the lowest cost and met the RFP requirements.

The Wichita Intervention Program is funded from the General Fund but all expenses are offset by revenues based on participant fees. The proposed contractor submitted a hotel fee for lodging/meals averaging \$112 per participant per weekend. This cost is slightly higher than the existing cost of \$102 per participant per weekend, but represents the lowest fee submitted by the respondents to the request for proposal. The 2005 Adopted budget includes \$161,500 for lodging and food based on current contract prices. The proposed contract will increase expenditures to \$162,460, an increase of \$960. The 2006 Revised Budget will be sufficient to absorb the increase in City costs associated with this contract

The contract has been approved as to form by the Law Department.

Motion--

Mayans moved that the contract with Bledsoe Management, Inc., d/b/a/ Best Western Airport Inn for one (1) year with an option to renew for one (1) or two (2) additional one (1) year terms be approved. Motion carried 6 to 0, (Brewer absent).

--carried

## RAIL CORRIDOR

### CENTRAL RAIL CORRIDOR IMPROVEMENT-CONSTRUCTION PROJECT ADMINISTRATION. (DISTRICT VI)

Agenda Report No. 05-1072

On March 8, 2005, the City Council approved Supplemental Agreements with TranSystems Corporation and HNTB in the amount of \$3,319,523 and \$4,426,494, respectively, for construction contract administration on this project.

Due to some situations that have arisen with the BNSF Railroad, staff has determined that it is in the City's best interest to restructure the Consultant Agreements. At present, HNTB has been the principal project inspectors, with TranSystems providing general project oversight and coordination with railroad operations. Under the restructuring plan, TranSystems would become the primary project inspectors and HNTB will assume a reduced role relating principally to remaining project design issues.

Staff has been able to negotiate new Agreements with the consultants. The contract comparisons are as follows:

<u>Firm</u>	<u>Current Contract Amount</u>	<u>Revised Contract Amount</u>	<u>Difference</u>
HNTB	\$4,427,494	\$2,199,563	-\$2,227,931
TranSystems	\$3,319,524	\$5,547,100	+\$2,227,576
Totals	\$7,747,018	\$7,746,663	-\$ 355

The Law Department has approved the proposed Supplemental Agreements as to form.

Motion--carried

Mayans moved that the Supplemental Agreements be approved. Motion carried 6 to 0, (Brewer absent).

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K-96

## **K-96 LAKE IMPROVEMENTS. (DISTRICT I)**

Agenda Report No. 05-1073

In 2000, the City's Park and Recreation Department began improving the area commonly known as K-96 Lake. This lake, which is bounded on the east side of the junction of K-96 Highway and Highway I-35 North, has increasingly become a favorite urban fishery for anglers citywide.

In the fall of 2001, the City developed an entry road, parking area, fish stocking ramp and post and cable installation for vehicular access control. The project was then followed by the development of concrete walkways, retaining walls, landscaping to the water's edge, and tree planting in 2002. In 2003, the project was continued with the development of handicapped-accessible fishing docks equipped with 10 ADA-compliant fishing stations for wheelchair-bound anglers. The current parking lot and entry drive are made of crushed concrete surfacing.

The existing parking lot and entry drive have been heavily used in recent years and require a permanent surface to comply with the City's parking lot ordinance. A new parking lot and entry drive will improve function and reduce yearly maintenance required to grade the crushed concrete surfacing.

The Park 2005 Capital Improvement Plan includes \$400,000 for the K-96 Lake parking lot and entry drive paving. The funding source is general obligation bonds.

The Law Department has approved the bonding resolution as to form.

Motion--  
--carried

Mayans moved that the bonding resolution be adopted; the initiation of the project authorized and the necessary signatures authorized. Motion carried 6 to 0, (Brewer absent).

## **RESOLUTION NO. 05-615**

A resolution authorizing the issuance of bonds by the City of Wichita at large for the paving and reconstruction of park entry drives at K96 Fishing Lake, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas; Fearey, Gray, Martz, Schlapp, Skelton, Mayans; (Brewer absent).

PROP. ACQUIS.

## **PROPERTY ACQUISITION: ACQUISITION OF EASEMENT FOR MAIN 4, NORTHWEST INTERCEPTOR SEWER. (DISTRICT V)**

Agenda Report No. 05-1074

The City Council adopted a Resolution on October 4, 2005 declaring it necessary to provide sanitary sewer main service to a developing residential corridor along 135th Street West, between Central and 21st Street North. Fulfillment of this Resolution requires easements on tracts located on the west side of 135th Street.

A negotiated settlement of \$2,500 has been accepted by one property owner in exchange for a utility easement and a 6549 sq. ft. temporary construction easement.

A budget of \$2,500 is requested. The funding source will be the Main 4, Northwest Interceptor Sanitary Sewer Project.

The Law Department has approved the Sanitary Sewer Easement and temporary construction easement as to form.

Motion--  
--carried

Mayans moved that the budget and the easement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Brewer absent).



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**KTTI**

## **FUNDING FOR KANSAS TECHNICAL TRAINING INITIATIVE.**

Agenda Report No. 05-1075

Since 2001, the City of Wichita has been a member of the Kansas Technical Training Institute (KTTI). Other members include: Boeing, Bombardier, Cessna, Raytheon, Spirit, the State of Kansas and Sedgwick County. Since its inception members of KTTI have each contributed \$50,000 annually to support KTTI's work efforts. Currently KTTI is working with other organizations in the community to develop a high performance and quality technical education system for this region.

KTTI is currently involved with a number of projects and programs to improve technical education. They include the development of an Aviation Technical School at Jabara Airport, a partnership with IBM for advanced Information Technology training and the development and the future launch of the Manufacturing Specialist Certificate. Aviation companies, in partnership with the City and Sedgwick County, are working towards finalizing the details associated with the construction and financing of the Aviation School. This project is a top priority as aviation companies are experiencing an immediate demand for skilled workers. The guidance and direction of the KTTI Board and its staff as this project progresses is critical to its success.

It has always been the intent of the KTTI Board of Directors to sunset KTTI once its mission has been accomplished and/or a broader public and industry coalition is organized to continue to build on the foundation laid by KTTI. A new governance structure for oversight of technical training has been established with the Sedgwick County Technical Training Authority. Because the Authority is relatively new and is establishing its structure and operational practices, the KTTI Board of Directors agreed to continue its investment and activities for one more year. The Board supports and will continue to assist the Authority in its development, and over the next year desires to transfer KTTI activities to the Authority. However, because Aviation School project still needs the leadership of the Board and staff it is requested that funding continue for another year. At the end of 2006, the project should have progressed sufficiently for others to continue with management and oversight.

The City's Economic Development Fund has sufficient funding to cover a \$50,000 contribution to KTTI to assist with operational expenses. Other partners (aviation companies and state and county governments) have pledged to contribute the same amount for 2006.

The City has the legal authority to grant the requested funds.

Motion--carried

Mayans moved that the funding for KTTI be authorized. Motion carried 6 to 0, (Brewer absent).

**OLD TOWN IMP.**

## **HOLIDAY LIGHTING AND AESTHETIC IMPROVEMENTS IN OLD TOWN.** (District VI)

Agenda Report 05-1079

Old Town was established in the early 1990's as a retail and entertainment district. Continued development has resulted in increases in the number of visitors, businesses, and property valuations. Old Town has developed into a unique, regional attraction.

As a destination area, aesthetic considerations are critical to maintaining and improving the attractiveness of Old Town. Recently the City was approached by the Old Town Association (OTA) about decorating the area for the holidays. They propose using string lighting along building tops, which would achieve a look similar to the Plaza in Kansas City. The lights could be left in place year-round, and the string lighting is visible only when lit. In addition to the purchase of the lights, electrical and installation services are required.

The OTA would like to pursue other projects to improve the visitor experience in Old Town. Improvements would include: banners (holiday and generic), directories, bike racks, pigeon control and historic plaques for self-guided tours, plus delivery and installation costs. Improvements and amenities would be consistent with existing development in the Old Town and Downtown areas.

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The OTA will utilize their existing relationships with building owners and tenants (many of whom are OTA members) to expedite the project. An agreement with OTA will allow some of the improvements to be completed in time for the holidays.

Funding for the improvements is available in the Old Town TIF. The TIF is current as to debt service payments, and future annual revenue streams are projected to continue to fully fund future annual debt service requirements. Access to the TIF funds will require budget transfers within the TIF. The cost of the agreement will not exceed \$60,000.

The Law Department has approved the agreement with the Old Town Association as to legal form.

Motion --  
-- carried

Mayans moved that the agreement be approved; and the budget transfers and necessary signatures be authorized. Motion carried 6 to 0, (Brewer absent).

## ORDINANCES

### SECOND READING ORDINANCES: (FIRST READ NOVEMBER 15, 2005.)

- a) Acquisition of Land and Easements by Eminent Domain for the North Area Sewer Sanitary Line near Meridian and 53rd Street North. (District VI)

#### ORDINANCE NO. 46-823

An Ordinance providing for the acquisition by eminent domain of certain private property, easements and right-of-way therein, for the purpose of acquiring real property for the construction and improvement of sanitary sewer to serve an area bordered by west street on the west, The Little Arkansas river on the east, ½ mile north of 63rd street north on the north and ½ mile south of 53rd street north on the south in the city of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the city attorney to file a petition in the District Court of Sedgwick County, Kansas, for acquisition of the lands and easements therein taken and providing for payment of the cost thereof, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans, (Brewer absent).

- b) Ordinance changes to the City of Wichita Electrical Code, Title 19 of the Code of the City of Wichita.

#### ORDINANCE NO. 46-824

An Ordinance amending Sections 19.04.020, 19.04.040, 19.04.070, 19.04.080, 19.04.090, 19.08.010, 19.08.015, 19.08.030, 19.08.050, 19.08.061, 19.08.070, 19.08.150, 19.08.170, 19.08.171, 19.08.172, 19.12.010, 19.12.020, 19.12.040, 19.12.050, 19.12.080, 19.12.090, 19.16.010, 19.16.030, 19.16.070, 19.24.040, 19.24.060, 19.24.090, 19.24.110, 19.28.040, 19.28.090, and 19.28.100 of the Code of the City of Wichita, Kansas and repealing the originals thereof; creating Sections 19.04.035, 19.08.145, 19.08.180, 19.12.060, 19.12.110, 19.12.130, 19.12.150, 19.12.170, 19.12.185, 19.12.190, 19.12.195, 19.12.210, 19.16.040, 19.16.090, 19.16.110, 19.22.010, 19.22.020, 19.22.030, 19.22.040, 19.22.050, 19.22.060, 19.22.070, 19.22.080, 19.22.090, 19.22.100, 19.22.110, 19.22.120, 19.22.130, 19.22.140, 19.22.150, 19.22.160, 19.22.180, 19.22.190, 19.22.200, 19.22.210, 19.22.220, 19.22.230, 19.22.240, 19.22.250, 19.22.260, 19.22.270, 19.22.280, 19.24.025, 19.24.035, 19.24.120, and 19.28.120; and repealing Sections 19.08.085, 19.08.090, 19.08.095, 19.08.100, 19.08.105, 19.08.110, 19.08.155, 19.12.035, 19.16.080; all pertaining to the Electrical Code of the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans, (Brewer absent).

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- c) (PUD 2005-04) - located east of Hydraulic and on the north side of 21st Street North.  
(District I)

## ORDINANCE NO. 46-825

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.21, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans, (Brewer absent). (PUD 2005-04)

- d) A05-06R - generally located southwest of the Intersection of 63rd Street South and Clifton Street. (District III)

## ORDINANCE NO. 46-826

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans, (Brewer absent). (A05-06)

- e) A05-14R - generally located northwest of 53rd Street and Meridian. (District VI)

## ORDINANCE NO. 46-827

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans, (Brewer absent). (A05-14)

- f) A05-15R - generally located southwest of the Intersection of Pawnee and 127th Street East.  
(District II)

## ORDINANCE NO. 46-828

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans, (Brewer absent). (A05-16)

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## PLANNING AGENDA

CUP2003-00055

**CUP2003-00055 & ZON2003-00053 - EXTENSION OF TIME TO COMPLETE PLATTING REQUIRED FOR DP-269 SPENCER'S COVE COMMERCIAL COMMUNITY UNIT PLAN AND A ZONE CHANGE FROM "SF-5" SINGLE FAMILY RESIDENTIAL TO "LC" LIMITED COMMERCIAL, "NR" NEIGHBORHOOD RETAIL, AND "GO" GENERAL OFFICE. GENERALLY LOCATED SOUTH OF 29TH STREET NORTH AND WEST OF MAIZE ROAD. (DISTRICT V).**

Agenda Report 05-1076

On December 17, 2003, the Board of County Commissioners approved the creation of DP-269 Spencer's Cove Commercial Community Unit Plan (CUP) and a zone change from "SF-20" Single Family Residential to "LC" Limited Commercial, "NR" Neighborhood Retail, and "GO" General Office for 19.1 acres located south of 29th Street North and west of Maize Road. The CUP and zone change were approved subject to platting the property within one year. Per adopted policy, the platting deadline was extended by six months to June 17, 2005, by the Chair of the Board of County Commissioners.

Following the June 17, 2005 deadline, the applicant requested an additional two years to complete platting due to the uncertainty regarding the length of time it will take to resolve the outstanding drainage issues with the Corps of Engineers. On May 27, 2005, the subject property was annexed by the City of Wichita, thus changing the current zoning to "SF-5" Single Family and placing the requested platting extension under the decision making authority of the City Council. The Wichita City Council granted a four-month extension, expiring on October 17, 2005.

The applicant is now requesting another six-month platting extension, until April 16, 2006. The applicant indicates in a letter that a plat for the property has yet to be prepared due to delays in working with the Corps of Engineers regarding drainage issues associated with the property, and awaiting the City design for 29th Street North.

Public Works has reviewed the requested six-month platting extension. Public Works indicates that a design for this portion of 29th Street North is underway and the right-of-way dedication is needed prior to completion of the plat. Other property owners along the 29th Street North frontage have already made necessary right-of-way dedications. Therefore, staff recommends that the requested platting extension be granted subject to dedication of 60 feet of right-of-way along the 29th Street North frontage by December 22, 2005.

No legal documents are required to enact the granting of the platting extension. The granting of a platting extension is indicated via letter to the applicant noting the extended platting deadline as granted by the City Council.

Motion--

Mayans moved that the extended platting deadline of April 16, 2006, subject to dedication of 60 feet of right-of-way along the 29th Street North frontage by December 22, 2005 be approved. Motion carried 6 to 0, (Brewer absent).

--carried

SUB2005-34

**SUB2005-34 - PLAT OF FONTANA SECOND ADDITION, LOCATED EAST OF 119TH STREET WEST AND NORTH OF 29TH STREET NORTH. (DISTRICT V)**

Agenda Report No. 05-1077

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (12-0)

This site, consisting of 44 lots on 32.7 acres, is a replat of a portion of the Fontana Addition, and has recently been annexed into Wichita's city limits. This site is zoned SF-5, Single-Family Residential District.

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Petitions, 100 percent, and a Certificate of Petitions have been submitted for paving, drainage, sidewalks, sewer, water and paving improvements. A Restrictive Covenant was submitted to: 1) create a Lot Owners' Association for the ownership and maintenance of the proposed reserves being platted for drainage purposes; 2) provide four off-street parking spaces per dwelling unit on each lot that abuts a 58-foot street; and 3) outline restrictions for lot-owner use for platting of narrow street right-of-way with adjacent 15-foot street drainage and utility easements.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

The Certificate of Petitions and Restrictive Covenant will be recorded with the Register of Deeds.

Motion--  
--- carried

Mayans moved that the documents and plat be approved; the Resolutions be adopted; and the necessary signatures authorized. Motion carried 6 to 0, (Brewer absent).

## RESOLUTION NO. 05-616

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System No. 448-8999 (east of 119<sup>th</sup> Street West, north of 29<sup>th</sup> Street North) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas, Fearey, Gray, Martz, Schlapp, Skelton, Mayans, (Brewer absent).

## RESOLUTION NO. 05-617

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System No. 448-90144 (east of 119<sup>th</sup> Street West, north of 29<sup>th</sup> Street North) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas, Fearey, Gray, Martz, Schlapp, Skelton, Mayans, (Brewer absent).

## RESOLUTION NO. 05-618

Resolution of findings of advisability and Resolution authorizing construction of Lateral 5, Main 7, Northwest Interceptor Sewer (east of 119<sup>th</sup> Street West, north of 29<sup>th</sup> Street North) 468-83877, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas, Fearey, Gray, Martz, Schlapp, Skelton, Mayans, (Brewer absent).

## RESOLUTION NO. 05-619

Resolution of findings of advisability and Resolution authorizing improving Storm Water Drain No. 236 (east of 119<sup>th</sup> Street West, north of 29<sup>th</sup> Street North) 468-83883, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas, Fearey, Gray, Martz, Schlapp, Skelton, Mayans, (Brewer absent).

## RESOLUTION NO. 05-620

Resolution of findings of advisability and Resolution authorizing construction of Lateral 11, Main 7, Northwest Interceptor Sewer (east of 119<sup>th</sup> Street West, north of 29<sup>th</sup> Street North) 468-84118, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas, Fearey, Gray, Martz, Schlapp, Skelton, Mayans, (Brewer absent).

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## RESOLUTION NO. 05-621

Resolution of findings of advisability and Resolution authorizing improving Storm Water Drain No. 282 (east of 119<sup>th</sup> Street West, north of 29<sup>th</sup> Street North) 468-84121, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas, Fearey, Gray, Martz, Schlapp, Skelton, Mayans, (Brewer absent).

## RESOLUTION NO. 05-622

Resolution of findings of advisability and Resolution authorizing improving Storm Water Drain No. 283 (east of 119<sup>th</sup> Street West, north of 29<sup>th</sup> Street North) 468-84122, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas, Fearey, Gray, Martz, Schlapp, Skelton, Mayans, (Brewer absent).

## RESOLUTION NO. 05-623

Resolution of findings of advisability and Resolution authorizing improving Storm Water Drain No. 284 (east of 119<sup>th</sup> Street West, north of 29<sup>th</sup> Street North) 468-84123 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas, Fearey, Gray, Martz, Schlapp, Skelton, Mayans, (Brewer absent).

## RESOLUTION NO. 05-624

Resolution of findings of advisability and Resolution authorizing constructing pavement on Covington from the north line of 29<sup>th</sup> Street North to the east line of Lot 30, Block 1, Fontana 2<sup>nd</sup> Addition; Shefford from the east line of Lot 30, Block 1, to the east line of Covington; Covington Court to and including the cul-de-sac; Fontana Circle to and including the cul-de-sac; Fontana Court to and including the cul-de-sac; and Landon Circle to and including the cul-de-sac (east of 119<sup>th</sup> Street West, north of 29<sup>th</sup> Street North) 472-84086, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas, Fearey, Gray, Martz, Schlapp, Skelton, Mayans, (Brewer absent).

## RESOLUTION NO. 05-625

Resolution of findings of advisability and Resolution authorizing constructing pavement on Chambers from Fontana to the west line of Lot 35; Block 3; Parkridge from Fontana to the west line of Lot 35; Block 3; and Fontana from Covington to the east line of Lot 23, Block 3, all in Fontana Addition (east of 119<sup>th</sup> Street West, north of 29<sup>th</sup> Street North) 472-84332, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas, Fearey, Gray, Martz, Schlapp, Skelton, Mayans, (Brewer absent).

## RESOLUTION NO. 05-626

Resolution of findings of advisability and Resolution authorizing constructing pavement on Chambers Circle from the south line of Fontana/Covington to and including the cul-de-sac (east of 119<sup>th</sup> Street West, north of 29<sup>th</sup> Street North) 472-84333, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas, Fearey, Gray, Martz, Schlapp, Skelton, Mayans, (Brewer absent).

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## RESOLUTION NO. 05-627

Resolution of findings of advisability and Resolution authorizing constructing pavement on Pine Grove from the north side of Fontana to Santana; Santana from Pine Grove to Judith; Judith from Santana to Fontana including the cul-de-sac and Fontana from the west line of Lot 24, Block 3, to 119<sup>th</sup> Street West, all in Fontana Addition (east of 119<sup>th</sup> Street West, North of 29<sup>th</sup> Street North) 472-84334, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas, Fearey, Gray, Martz, Schlapp, Skelton, Mayans, (Brewer absent).

SUB2005-90

### **SUB2005-90 - PLAT OF EXECUTIVE AT WHITE TAIL SECOND ADDITION, LOCATED SOUTH OF 13TH STREET NORTH AND EST OF 127TH STREET EAST. (DISTRICT II)**

Agenda Report No. 05-1078

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (11-0)

This site, consisting of five lots on 4.33 acres, is a replat of Executive at White Tail Addition. This site is located within Wichita's city limits and is zoned LC, Limited Commercial District.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for paving and sewer improvements. Water services are available to serve this site. Restrictive Covenants were submitted to 1) allow the creation of a Lot Owner's Association that will provide for the ownership and maintenance of the reserves being platted for drainage purposes; and 2) to provide shared access between the lots. In order to guarantee the closure of driveway openings located in areas of complete access control or that exceed the number of allowed openings, a Drive Approach Closure Certificate has been submitted. A Cross-lot Circulation Agreement was submitted to assure internal vehicular movement between the lots.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions, Restrictive Covenants, Drive Approach Closure Certificate and Cross-lot Circulation Agreement will be recorded with the Register of Deeds.

Motion--  
--carried

Mayans moved that the documents and plat be approved, the necessary signatures authorized and the Resolutions adopted. Motion carried 6 to 0, (Brewer absent).

## RESOLUTION NO. 05-628

Resolution of findings of advisability and Resolution authorizing construction of Lateral 393, Four Mile Creek Sewer (south of 13<sup>th</sup>, west of 127<sup>th</sup> Street East) 468-84125, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas, Fearey, Gray, Martz, Schlapp, Skelton, Mayans, (Brewer absent).

## RESOLUTION NO. 05-629

Resolution of findings of advisability and Resolution authorizing constructing pavement of Deceleration/Acceleration Lane on 13<sup>th</sup> into the entrance to serve Lots 1 through 5, Block 1, the executive at White Tail 2<sup>nd</sup> Addition (south of 13<sup>th</sup>, west of 127<sup>th</sup> Street East) 472-84337, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas, Fearey, Gray, Martz, Schlapp, Skelton, Mayans, (Brewer absent).

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## EXECUTIVE SESSION

Motion-- Mayans moved that the City Council recess into Executive Session to consider: Consultation with legal counsel on matters privileged in the attorney-client relationship relating to: legal advice and matters relating to employer-employee negotiations and that the Council return from Executive Session no earlier than 9:55 a.m. and reconvene in the First Floor Board Room of City Hall. Motion carried 6 to 0, (Brewer absent).

--carried

## RECONVENE

The Council reconvened in the First Floor Board Room at 9:55 a.m. Mayor Mayans announced that no action was taken.

Motion--carried Mayans moved at 9:56 a.m. to adjourn the Executive Session. Motion carried 6 to 0, (Brewer absent).

Motion--carried Mayans moved at 9:57 a.m. to adjourn the Regular Meeting. Motion carried 6 to 0, (Brewer absent).

## ADJOURNMENT

The City Council Meeting adjourned at 9: 57 a.m.

Respectfully submitted,

Karen Sublett  
City Clerk

\*\*\*Workshop followed\*\*\*